

§ 301-10.261

this part (except with regard to travel under § 301-70.808 and § 301-70.910). Because the taxpayers should pay no more than necessary for your transportation, generally you may travel on Government aircraft only when a Government aircraft is the most cost-effective mode of travel.

§ 301-10.261 What requirements must I meet to operate a Government aircraft?

You must meet the aircrew qualification and certification requirements contained in 41 CFR 101-37.1212.

EFFECTIVE DATE NOTE: By FTR Amdt. 2004-02, 69 FR 34304, June 21, 2004, § 301-10.261 was revised, effective Sept. 20, 2004. For the convenience of the user, the revised text is set forth as follows:

§ 301-10.261 When may I use a Government aircraft for travel?

You may use Government aircraft—

(a) For official travel only when—

(1) No scheduled commercial airline service is reasonably available (i.e., able to meet your departure and/or arrival requirements within a 24-hour period, unless you demonstrate that extraordinary circumstances require a shorter period) to fulfill your agency's travel requirement; or

(2) The cost of using a Government aircraft is less than the cost of the city-pair fare for scheduled commercial airline service or the cost of the lowest available full coach fare if a city-pair fare is not available to you. The cost of non-productive or lost work time while in travel status and certain other costs should be considered when comparing the cost of using a Government aircraft in lieu of scheduled commercial airline service. Additional information on costs included in this cost comparison may be found in the "U.S. Government Aircraft Cost Accounting Guide," available from the General Services Administration, Office of Governmentwide Policy, MTA, 1800 F Street, N.W., Washington, DC 20405.

(b) For required-use travel only when you are required to use Government aircraft for bona fide communications (e.g., 24-hour secure communications) or security reasons (e.g., highly unusual circumstances that present a clear and present danger) or exceptional scheduling requirements (e.g., a national emergency or other compelling operational considerations). Required use travel may include travel for official, personal, or political purposes, but must be approved in accordance with § 301-10.262(a) and § 301-70.803(a).

(c) For space available travel only when—

(1) The aircraft is already scheduled for use for an official purpose, and your use of the aircraft does not require a larger aircraft or

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result in more than minor additional cost to the Government; or

(2) You are a Federal traveler or a dependent of a Federal traveler stationed by the Government in a remote location not accessible to commercial airline service and authorized to use Government aircraft; or

(3) You are authorized to travel on a space available basis under 10 U.S.C. 4744 and regulations implementing that statute.

§ 301-10.262 What is my liability for unauthorized use of a Government aircraft?

You will be personally responsible for any additional cost resulting from unauthorized use of the aircraft as provided in 41 CFR 101-37.402 and 101-37.403, and you may be subject to administrative and/or criminal liability for misuse of Government property.

[FTR Amdt. 70, 63 FR 15955, Apr. 1, 1998; 63 FR 35537, June 30, 1998]

EFFECTIVE DATE NOTE: By FTR Amdt. 2004-02, 69 FR 34304, June 21, 2004, § 301-10.262 was revised, effective Sept. 20, 2004. For the convenience of the user, the revised text is set forth as follows:

§ 301-10.262 How will my agency authorize travel on Government aircraft?

Your agency will authorize your travel on Government aircraft as follows:

(a) *Required use travelers.* Your agency's senior legal official or his/her principal deputy must authorize your required-use travel on a trip-by-trip basis, in advance, in writing, and in compliance with the agency's written policies describing the special circumstances under which the agency will require a traveler to use Government aircraft, unless—

(1) You are an agency head and the President has determined that all your travel (or your travel in specified categories) qualifies as required-use travel; or

(2) You are not an agency head, and your agency head has determined in writing that all of your travel, or your travel in specified categories, qualifies as required-use travel. Such written explanation must state the specific basis for the determination.

NOTE TO § 301-10.262(a): In an emergency situation, prior verbal approval for required-use travel with an after-the-fact written authorization is permitted.

(b) *Senior Federal officials.* If you are a senior Federal official, your agency's senior legal official or his/her principal deputy must authorize all your travel on Government aircraft in advance and in writing, except for required use travel authorized under paragraphs (a)(1) and (a)(2) of this section. In